

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUCRETIA JAMES,

Defendant.

2:08-cr-00244-RLS-3

DECLARATION OF ANDREW
CULBERT IN SUPPORT OF
CBC'S MOTION TO
INTERVENE AND UNSEAL
SENTENCING RECORDS FOR
LUCRETIA JAMES

I, Andrew Culbert, hereby declare:

1. I am a producer for the *the fifth estate*, a critically acclaimed investigative documentary news program by the Canadian Broadcasting Corporation ("CBC"). I am competent to make this Declaration, and I make this Declaration based on personal knowledge.

2. CBC is Canada's national public broadcaster and one of its largest cultural institutions. CBC's English television service alone reaches over 60% of Canadians across the country every week.

3. During its 30-year tenure, *the fifth estate* has garnered an Oscar for best documentary, an international Emmy and dozens of Gemini Awards and the prestigious Michener Award for meritorious public service in Canadian journalism. In the past five years alone, our productions have won a Peabody, a Polk, a Dupont, a share in the Pulitzer

1 (for collaboration with the *New York Times*). Information about *the fifth estate* is attached
2 as **Exhibit A**.


3 4. *The fifth estate* is investigating the life and death of Samuel Jackson
4 Lindsay Brown (date of birth June 21, 1984). Mr. Brown is among the individuals
5 arrested in connection with "Operation Blade Runner," a drug-smuggling investigation
6 conducted by United States and Canadian law enforcement officials. The investigation
7 resulted in the arrest of nine individuals and the seizure of 750 pounds of marijuana, more
8 than 80 kilograms of cocaine, six weapons and two helicopters. Mr. Brown, a British
9 Columbia resident, was arrested in February 2009, but on February 27, 2009, he died
10 while at the Spokane County Jail. Attached as **Exhibit B** is a true and correct copy of a
11 press release from the U.S. Attorney's Office regarding Operation Blade Runner.

12 5. While gathering information on Brown's arrest, I learned that portions of
13 Lucretia James' file relating to her sentencing were sealed. Lucretia James is of interest
14 because of her connection with some of those arrests made in Operation Blade Runner.

15 6. I contacted the United States Attorney's Office and asked that the office
16 support a motion to unseal the file. My request was declined.

17 7. To date, I have not been able to review those documents filed under seal.

18 8. My research has led me to other criminal cases that are part of "Operation
19 Blade Runner," and which were sealed initially but are now unsealed. The case of
20 Leonard Ferris and Ross Legge, 09-CR-18-DB, filed in the United States District Court
21 for Utah was also sealed initially, until the United States Attorney in Salt Lake City moved
22 to unseal their case on the basis that "it's no longer necessary to keep the indictment
23 sealed." Attached as **Exhibit C** is a true and correct copy of the motion filed by the
24 United States Attorney's Office.
25
26
27



Andrew Culbert

EXHIBIT A

ABOUT the fifth estate

For more than three decades, **the fifth estate** has been Canada's premier investigative documentary program, acquainting viewers with a dazzling parade of political leaders, shady characters and ordinary people whose lives were touched by triumph or tragedy. The tradition of provocative and courageous journalism which began with Adrienne Clarkson, Warner Troyer and Peter Reilly on September 16, 1975 continues unabated with our current team of Hana Gartner, Linden MacIntyre, Bob McKeown and Gillian Findlay.

A Ratings Success

After airing more than 1,600 stories and more than 600 shows, the program has become a ritual for millions of Canadians from coast to coast. Many of its shows attracted spectacular numbers of viewers. More than two million tuned in to watch stories such as Eric Malling's *Who killed JFK?*, Hana Gartner's *Life with Billy* and Trish Wood's *Karla Homolka*.

These numbers reflect an appetite for the weekly dose of thought-provoking, insightful journalism practiced by the fifth, which often makes headlines and influences public policy. Its stories are routinely shown around the world as well. Television networks in 16 countries from Norway to Korea to Argentina showed Linden MacIntyre's provocative Emmy winning story about the 1991 Gulf Conflict called *To Sell a War*.

An Award Winning Program

In addition to its impact among viewers and on society, **the fifth estate** is also recognized by its peers. It has won a remarkable 243 awards, including an Oscar for best documentary, three international Emmy Awards, 28 Gemini's, 20 awards and certificates for investigative reporting from the Canadian Association of Journalists and dozens of honours from The New York and Columbus International film and video festivals. **the fifth estate** won a prestigious Michener Award for meritorious public service journalism and the Justica Award from the Canadian Bar Association for a series of reports on the police and justice system.

What makes **the fifth estate** so successful? Long time host Linden MacIntyre probably says it best: "We aren't interested in a lot of the distractions of the mass media. We're not into marketing and we're not into celebrity. We're interested in getting information, in exploring important issues and illuminating public policy, and about telling the stories in a strong narrative fashion."

The mission of the program could also be described this way; to be the home of incisive and original investigative journalism, to challenge assumptions and question conventional wisdom, and most importantly to give voice to victims of injustice who deserve to be heard but have been silenced.

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EXHIBIT B

**UNITED STATES ATTORNEY'S OFFICE
Western District of Washington**



March 24, 2009

**CROSS BORDER SMUGGLING RING TAKEN DOWN IN
"OPERATION BLADE RUNNER"
Feds Seize Cocaine, Marijuana and Two Helicopters**

A coordinated investigation in the U.S. and Canada has resulted in nine arrests, and in the U.S., the seizure of 600 pounds of B.C. Bud marijuana, and more than 80 kilos of cocaine. The investigation, dubbed "Operation Blade Runner" because of the use of helicopters to smuggle loads across the border, grew out of a 2007 investigation of an ecstasy smuggling ring working in Western Washington. The four U.S. arrests in the current case involved law enforcement agencies and the U.S. Attorney's Offices in Washington, Idaho and Utah. The Royal Canadian Mounted Police arrested five people in Canada, and additional drugs and guns were seized.

"This case demonstrates the coordinated efforts required to ensure the integrity of our borders," said United States Attorney Jeffrey C. Sullivan. "The sharing of information between law enforcement agencies in the U.S. and Canada is critical to stopping the flow of drugs going both north and south. This drug trade fuels violence in both our countries."

Operation Blade Runner began with a February 21, 2009 traffic stop by the Utah Highway Patrol in Salt Lake City. ROSS LEGGE, 53, of Alberta, BC and LEONARD FERRIS, 50, of Las Vegas, Nevada, were arrested with 83 kilos of cocaine. One of the men had been identified by law enforcement in connection with an ecstasy smuggling ring prosecuted in the Western District of Washington last year. Law enforcement was able to determine the cocaine had been destined for a location in eastern Washington where it was to be loaded onto a helicopter in exchange for a load of B.C. Bud marijuana. When the Bell 200 Jet Ranger helicopter touched down outside of Ione, Washington, law enforcement was waiting. Officers seized the helicopter and 426 pounds of marijuana. Agents arrested Samuel Lindsey-Brown, 24, from Revelstoke, B.C. Lindsey-Brown committed suicide February 27, 2009, at the Spokane County Jail.

Six days later, the group attempted another exchange of drugs. A Robinson R22 helicopter landed in North Idaho. The pilot, JEREMY SNOW, 29, of Kelowna, B.C. was arrested and the helicopter and 174 pounds of marijuana were seized.

In Canada, the RCMP located the helicopter takeoff site and arrested two men, ages 48 and 20, from Chilliwack, B.C. and seized 150 pounds of marijuana and 40,000 ecstasy pills. Additional search warrants were served in Nelson, Salmon Arm, and Malakwa, B.C. Officers seized six guns and arrested a 37-year-old resident of Malakwa, a 35-year-old resident of Salmon Arm, and a 35-year-old man from Chilliwack.

DEA Special Agent in Charge Arnold R. Moorin stated, "This investigation personifies the cooperation required to have a significant impact on cross border crime and the organizations responsible for those crimes."

"The persistent issue of cross-border criminal activity by a few, creative criminal elements highlights the security threats to Canada and the United States," said Leigh Winchell, Special Agent in Charge of U.S. Immigration and Customs Enforcement's Office of Investigations in the Pacific Northwest. "Addressing those threats demands absolute partnership and complete cooperation among law enforcement agencies on both sides of the 49th parallel."

One of the helicopters will be forfeited to the U.S. The Bell 200 Jet Ranger was returned to the leasing company which had apparently unwittingly leased it to a member of the criminal organization. Individual defendants have been charged in the districts where they were arrested, but the cases will likely be consolidated in the Western District of Washington where information about the smuggling ring originated and where, within the past year, two other co-conspirators have been prosecuted for the importation of 200,000 MDMA pills and the possession of 72 kilograms of cocaine.

This was an Organized Crime and Drug Enforcement Task Force (OCDETF) investigation, providing supplemental federal funding to the federal and state agencies involved. Agencies involved in this operation include the Drug Enforcement Administration (DEA), the Royal Canadian Mounted Police (RCMP), U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), U.S. Border Patrol, U.S. Forest Service, Washington State Patrol, Utah Highway Patrol, Spokane County Sheriff's Department and the Pend Oreille County Sheriff's Department.

The case is being prosecuted in Seattle by Assistant United States Attorney Susan M. Roe, with assistance from the U.S. Attorney's Offices in the Eastern District of Washington, and the Districts of Utah and Idaho.

For additional information please contact Emily Langlie, Public Affairs Officer for the United States Attorney's Office, at (206) 553-4110 or Emily.Langlie@USDOJ.Gov.

Close Window

EXHIBIT C

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FILED
U.S. DISTRICT COURT

2009 MAR 23 P 2:41

DISTRICT OF UTAH

SEALED

BY: DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROSS NIVEN LEGGE and
LEONARD JOSEPH FERRIS,

aka Leonard Joseph Johnson,
aka Leonard Joseph Gabriel,
aka Peter Joseph Ferris,

Defendants.

1:09CR00018 DB

MOTION TO UNSEAL INDICTMENT
(CASE)

Hon. Judge Dee Benson

The United States of America, by and through the undersigned Assistant United States Attorney, hereby moves this Court to unseal the indictment and the entire case referenced above.

This motion is made for good cause, to wit: it is no longer necessary for the indictment or

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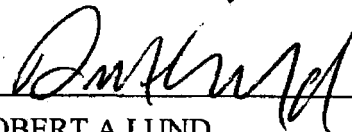
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the case to be sealed.

DATED this 23 day of March, 2009.

BRETT L. TOLMAN
United States Attorney

A handwritten signature in black ink, appearing to read 'Robert A. Lund', is written over a horizontal line.

ROBERT A. LUND
Assistant United States Attorney